

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Case No. 2:22-cv-00125-JRG

**JURY TRIAL DEMANDED**

**AGREED MOTION TO AMEND DOCKET CONTROL ORDER**

Plaintiff Entropic Communications, LLC, with Defendant Charter Communications, Inc.’s agreement, hereby moves to amend the Docket Control Order (Dkt. 40), in its current form of the Fifth Amended Docket Control Order (Dkt. 165), to extend the deadline to complete expert discovery by four (4) days.

Good cause exists for these extensions due to the need to comprehensively incorporate information from recent third-party discovery into supplemental expert reports and complete expert discovery. This extension will allow the parties to agree on a comprehensive expert supplementation and discovery schedule that allows both sides to address or rebut necessary issues on a briefing schedule that will still close several weeks in advance of the October 30, 2023 pretrial conference. Specifically, the parties have agreed that Entropic’s damages expert Stephen Dell will supplement his expert report no later than September 19, 2023, and that Charter’s damages expert Christopher Bakewell will supplement his expert report in rebuttal no later than September 25, 2023. Entropic may also serve a short supplemental expert report from Dr. Kramer to address the same limited issues from new discovery. The parties agree that if this occurs then Charter’s expert Dr. Almeroth may serve a short rebuttal to Dr. Kramer’s report. This proposed amendment avoids



what would otherwise likely be competing opposed motions for leave or to strike supplementation occasioned by the recent fact discovery. The amendment to the expert discovery deadline will allow the parties to incorporate new material into their supplemental reports and avoid the need to submit follow-on reports.

This extension will not affect any of the other remaining deadlines or the trial date in this action. Counsel for the Parties have conferred on this extension and are in agreement.

Accordingly, the Parties respectfully request that the Court amend its Docket Control Order to extend the deadline to complete expert discovery by four (4) days. This extension is reflected in the proposed Amended Docket Control Order submitted herewith.

Dated: September 18, 2023

Respectfully submitted,

/s/ James Shimota

James Shimota

Jason Engel

George Summerfield

Katherine L. Allor

Samuel P. Richey

Ketajh Brown

**K&L GATES LLP**

70 W. Madison Street, Suite 3300

Chicago, IL 60602

Tel: (312) 807-4299

Fax: (312) 827-8000

jim.shimota@klgates.com

jason.engel@klgates.com

george.summerfield@klgates.com

katy.allor@klgates.com

samuel.richey@klgates.com

ketajh.brown@klgates.com

Nicholas F. Lenning

Courtney Neufeld

**K&L GATES LLP**

925 Fourth Avenue, Suite 2900

Seattle, WA 98104-1158



Nicholas.lenning@klgates.com  
courtney.neufeld@klgates.com

Darlene Ghavimi  
Matthew Blair  
**K&L GATES LLP**  
2801 Via Fortuna, Suite #650  
Austin, Texas 78746  
Darlene.ghavimi@klgates.com  
Matthew.blair@klgates.com

Christina N. Goodrich  
Connor J. Meggs  
**K&L GATES LLP**  
10100 Santa Monica Blvd., 8th Floor  
Los Angeles, CA 90067  
Tel: (310) 552-5031  
Fax: (310) 552-5001  
christina.goodrich@klgates.com  
connor.meggs@klgates.com

Wesley Hill  
Texas Bar No. 24032294  
Andrea Fair  
Texas Bar No. 24078488  
**WARD, SMITH & HILL, PLLC**  
1507 Bill Owens Pkwy  
Longview, TX 75604

*Attorneys for Plaintiff Entropic  
Communications, LLC*

/s/ with permission Elizabeth Long

Daniel L. Reisner  
David Benyacar  
Elizabeth Long  
Albert J. Boardman  
Melissa Brown  
Jacob Bass  
**ARNOLD & PORTER KAY SCHOLER  
LLP**  
250 West 55th Street  
New York, New York 10019-9710  
daniel.reisner@arnoldporter.com  
david.benyacar@arnoldporter.com  
elizabeth.long@arnoldporter.com



albert.boardman@arnoldporter.com  
melissa.brown@arnoldporter.com  
jacob.bass@arnoldporter.com

Deron R. Dacus  
State Bar No. 00790553  
**The Dacus Firm, P.C.**  
821 ESE Loop 323, Suite 430  
Tyler, TX 75701  
ddacus@dacusfirm.com

Marc A. Cohn  
Amy L. DeWitt  
Paul I. Margulies  
**ARNOLD & PORTER KAY SCHOLER  
LLP**  
601 Massachusetts Avenue NW  
Washington, DC 20001-3743  
marc.cohn@arnoldporter.com  
amy.dewitt@arnoldporter.com  
paul.margulies@arnoldporter.com

*Attorneys for Defendant Charter  
Communications, Inc.*



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on this the 18th day of September, 2023.

/s/ James Shimota  
James Shimota

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies pursuant to Local Rule CV-7(i) that the relief requested in this motion is agreed.

/s/ James Shimota  
James Shimota